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In re Application of :
DAVIDOVICH *et al* :
U.S. Application No.: 10/525,025 :
PCT No.: PCT/IL2003/000686 :
Int. Filing Date: 18 August 2003 :
Priority Date: 19 August 2002 :
Attorney's Docket No.: P-4032-US :
For: METHOD AND SYSTEM OF CALCULATING :
FOCUS ON AN ITEM :

DECISION

This is a decision on the papers filed 24 October 2005 and 11 January 2007. No petition fee is required.

BACKGROUND

On 18 February 2005, applicant filed papers to enter the national stage of international application PCT/IL2003/000686 which were accompanied by, *inter alia*, an executed declaration and the Basic National fee.

On 14 September 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements of 18 February 2005. A filing receipt indicating a "Filing or 371(c) Date" of "02/18/2005" was also mailed.

On 24 October 2005, applicant filed a "Request for Corrected Filing Receipt."

On 11 January 2007, applicants filed a "Status Inquiry."

DISCUSSION

Petitioners claim that the above-captioned application was originally submitted on 17 February 2007, not 18 February 2007 and have requested that the filing receipt be changed to reflect this fact.

A review of the subject application indicates that the original documents are

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stamped as received by the Office on 18 February 2005¹. However, the fees are charged as received by the Office of Finance on 17 February 2005.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped filing receipt for the original documents including the transmittal letter, declaration and preliminary amendment. The receipt clearly identifies the application by the name of the applicant, the title and the international application number. The postcard receipt is stamped "DT03 Rec'd PCT/PTO 17 FEB 2005" across its face.

Accordingly, applicants have provided *prima facie* evidence that the national stage application was originally filed on 17 February 2005.

CONCLUSION

Applicants' petition to correct the filing receipt is hereby **GRANTED**.

The Form PCT/DO/EO/903 and Filing Receipt mailed 14 September 2005 now contain erroneous data and are both hereby **VACATED**.

This application is being forwarded to the Office of Patent Application Processing for continued processing including mailing a corrected Form PCT/DO/EO/903 and Filing Receipt indicating that the completion of all 35 U.S.C. 371 requirements of 17 February 2005.



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¹ While most documents are stamped as received on 18 February 2005, several documents are stamped as received on 17 February 2005. The transmittal letter (Form PTO-1390) appears to have been originally stamped as received on 17 February 2005 then changed by hand to 18 February 2005.